

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON ALAN SMITH,

Plaintiff,

v.

SARGENT GARRITY,

Defendant.

CASE NO. C19-6200 BHS

ORDER DISMISSING
COMPLAINT WITHOUT
PREJUDICE

This matter comes before the Court on the Honorable Theresa L. Fricke's, United States Magistrate Judge, order to show cause, Dkt. 3, and Plaintiff Jason Smith's ("Smith") response, Dkt. 4.

On December 13, 2019, Smith filed a motion to proceed *in forma pauperis* and a proposed complaint. Dkts. 1, 1-1. On April 20, 2020, Judge Fricke issued an order to show cause why the complaint should not be dismissed without prejudice because it is duplicative of *Smith v. Bremerton Police Dep't.*, C19-5479-BHS. Dkt. 3. On May 20, 2020, Smith responded and informed the Court that he was gathering more information and that he seeks to hold Defendant Sargent Garrity personally liable for the alleged violations of Smith's civil rights. Dkt. 4. Smith, however, fails to respond to the main

1 issue of a duplicative proceeding. Therefore, the Court **DISMISSES** the complaint
2 without prejudice as duplicative.

3 **IT IS SO ORDERED.**

4 Dated this 10th day of June, 2020.

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7 BENJAMIN H. SETTLE
United States District Judge
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